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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 IN RE: CATHODE RAY TUBE (CRT)
13 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

14 This Document Relates to:
15 ALL DIRECT PURCHASER ACTIONS
16

**STIPULATION AND [PROPOSED]
ORDER CONCERNING PENDING
MOTIONS RE: FINISHED PRODUCTS**

1 **WHEREAS**, on March 16, 2009, the Direct Purchaser Plaintiffs (“DPPs”) filed a
2 consolidated amended complaint (the “Direct CAC”) [dkt. no. 436];

3 **WHEREAS** the Direct CAC includes claims that Defendants have combined and
4 conspired to fix, raise, maintain or stabilize the prices of finished products containing CRTs
5 (“CRT Finished Products”), and/or have allocated markets or customers with respect to CRT
6 Finished Products (said claims herein referred to as the “CRT Finished Products Conspiracy
7 Claims”);

8 **WHEREAS**, Defendants Panasonic Corporation of North America, MT Picture Display
9 Co., Ltd., Panasonic Corporation (f/k/a Matsushita Electric Industrial Co.), Hitachi, Ltd., Hitachi
10 Asia, Ltd., Hitachi America, Ltd., Hitachi Electronic Devices (USA), Inc., Hitachi Displays, Ltd.,
11 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. (hereinafter “Moving
12 Defendants”) filed a motion Pursuant to Fed. R. Civ. Proc. 11 alleging that the CRT Finished
13 Products Conspiracy Claims are without foundation and requesting that those allegations be
14 stricken (the “Rule 11 Motion”) [dkt. no. 880];

15 **WHEREAS**, the DPPs filed a motion against Defendants Panasonic and MT seeking
16 discovery with respect to finished products (“DPPs’ Motion to Compel CRT Finished Products
17 Discovery”);

18 **WHEREAS**, on June 15, 2011, Special Master Legge issued a Report and
19 Recommendation on Motions Regarding Finished Products recommending, in relevant part, as
20 follows: (1) Moving Defendants’ Rule 11 Motion be granted; (2) DPPs’ allegations of a
21 conspiracy that encompasses CRT Finished Products be stricken from the Direct CAC; and (3)
22 DPPs’ Motion to Compel CRT Finished Products Discovery be denied [dkt. no. 947];

23 **WHEREAS**, on June 29, 2011 Moving Defendants filed a Motion to Adopt Special
24 Master’s Report and Recommendations Regarding Finished Products [dkt. no. 953];

25 **WHEREAS**, on June 29, 2011, DPPs filed under seal an Objection to Special Master’s
26 Report and Recommendations on Motions Regarding Finished Products [dkt. no. 957];

27 **WHEREAS**, DPPs and Moving Defendants have met and conferred concerning
28

1 Defendants' Motion to Adopt and the DPPs' Objection to the Special Master's Report and
2 Recommendations, and entered into the agreement set forth below;

3 **IT IS HEREBY STIPULATED AND AGREED**, by and between counsel for the
4 undersigned Plaintiffs and Defendants, that:

- 5 1. The portion of the Special Masters' Report and Recommendations on Motions
6 Regarding Finished Products [dkt. no. 947] recommending a finding that DPPs violated
7 F.R.C.P. Rule 11 is hereby vacated;
- 8 2. The remaining portions of the Special Masters' Report and Recommendations on
9 Motions Regarding Finished Products [dkt. no. 947], including its factual conclusions
10 that (a) the DPPs made an inquiry "reasonable under the circumstances" before filing a
11 Direct CAC that contained claims encompassing a CRT Finished Products Conspiracy,
12 (b) that, based on the information available to the DPPs before they filed the Direct
13 CAC, they "have not demonstrated objectively reasonable evidentiary support, direct or
14 circumstantial, for a conspiracy to fix the prices of CRT Finished Products," (c) the
15 recommendation to deny DPPs' motion to compel Finished Products discovery (other
16 than Finished Products discovery "limited to the issue of the impact or effect on
17 Finished Product prices of the alleged conspiracy to fix the prices of the CRTs"), and
18 all other factual conclusions are hereby adopted;
- 19 3. The DPPs hereby withdraw their CRT Finished Products Conspiracy Claims stated in
20 the Direct CAC and the allegations of the Direct CAC purporting to allege a conspiracy
21 encompassing Finished Products are stricken from the Direct CAC, provided, however,
22 that the issue of the possible impact or effect of the alleged fixing of prices of CRTs on
23 the prices of Finished Products shall remain in the case;
- 24 4. The DPPs hereby withdraw any and all requests for discovery regarding or relating to
25 information in support of the CRT Finished Product Conspiracy Claims, and shall not
26 reissue or issue new or similar requests for any such discovery, subject to Paragraph 6
27 below;

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26 **So Ordered.**

27 Dated: August 26, 2011



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